

## HAMILTON COUNTY BOARD OF COMMISSIONERS

JULY 9, 2001

The Hamilton County Board of Commissioners met on Monday, July 9, 2001 in the Hamilton County Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Dillinger called the public meeting to order. A quorum was declared present of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited by everyone.

### **Approval of Minutes:**

Holt motioned to approve the minutes of July 2, 2001. Clark seconded. Holt and Clark approved. Dillinger abstained. Motion carried.

### **Executive Session Memoranda:**

Holt motioned to approve the Executive Session Memoranda of July 9, 2001. Clark seconded. Motion carried unanimously.

### **Plat Approval:**

#### **Guilford Park:**

Mr. Greg Lintner requested plat approval for Guilford Park. Holt motioned to approve. Clark seconded. Motion carried unanimously.

### **Highway Business:** (Tape 1, #90)

#### **Road Cut Permits:**

Mr. Les Locke presented five (5) Open Road Cut Permits for the City of Carmel relating to the sewer system they are installing on White Oak Drive. Mr. Locke stated the Highway Department is not recommending approval because these road cuts are the result of the City of Carmel locating their line closer to the road than what was allowed in the original permit. They did come in and have it re-permitted to have it installed next to the road and now they say they need road cuts to tie the laterals back into that line. Mr. Locke stated they could do boring or trenching techniques to install the laterals without cutting the road. One of Carmel's excuses were that they don't have trench boxes less than 4' x 8' so they want to do a 4' x 8' cut at these five locations. Holt asked how far into the road will the cut be? Mr. Locke stated 4' into the road and 8' along the road. City of Carmel was not in attendance at today's meeting. Clark asked how far off the road are they? Mr. Locke stated approximately 3'. Mr. James Farrell, Highway Department, stated when the road cuts were requested at the intersection of Lasalle and 104th Street, that did not go smoothly and they damaged the road considerably. Carmel presented to him that they were going to repave the general area because it was so bad. Mr. Farrell asked Carmel if they could possibly use shoring and they told him they don't have anything trench boxes smaller than 4' x 8'. Mr. Farrell stated he believes they could use wood planks instead without having to cut the road. When he asked Carmel about the road cuts, if they would resurface the entire length of the road they indicated that would be too expensive. At this point he would like to try to keep them from cutting the roads to make the lateral connections. Clark asked if the City of Carmel knows we have told them no? Mr. Farrell stated he spoke with Pat Rigden to request additional information on the plans, but he did not feel he should hold the permits up to be presented to the Commissioners. Mr. Locke asked if Carmel was aware this was on today's agenda? Mr. Farrell stated yes. Clark motioned to table this until she can talk to someone from Carmel. Clark withdrew her tabling motion. Clark asked when did they make this request of the Highway Department? Mr. Locke stated June 21st. Clark asked if this is within City limits? Mr. Locke stated this is on White Oak south of 106th in the Glenwood Subdivision. This is a little square we have in the middle of Carmel. Holt asked what is this for? Mr. Locke stated sanitary sewer line. Holt asked why are they providing sewer service to a location they are not annexing? Mr. Farrell stated once 50% of the residents

have connected, Carmel will annex the area. Because 50% of the residences have not connected, as of today, it is still in County jurisdiction. Mr. Locke asked if they will be coming in for more road cuts for more laterals as more people connect on? Mr. Farrell stated yes. When this process was started we instructed them that we wanted notes on the plan that they were not to cut the road unless it was an emergency. Their understanding from the permits that were issued were that they were given rights to cut the road whenever they needed to because of the Open Road Cut Permits. Based on the line being moved there will be a few sections where they will have to cut the roads on the already approved permit areas. Those are concrete roads. Mr. Howard stated they are probably getting a consent to annexation as a condition of each availability. Holt motioned to approve the permit application. Clark seconded. Clark and Holt approved. Dillinger opposed. Motion carried. Open Road Cut Permits approved for: 1) P20011426 - City of Carmel at 87' East of manhole 2-1 on 104th Street. Manhole is located around intersection of White Oak Drive & 104th Street to service homeowners. 2) P2001427 - City of Carmel at 142' East of manhole 2-1 on 104th Street at intersection of White Oak Drive & 104th Street to service homeowners. 3) P2001428 - City of Carmel at 278' East of manhole 2-1 on 104th Street manhole located East of White Oak Drive & 104th Street intersection to service homeowners. 4) P2001429 - City of Carmel at 409' East of manhole 2-1 located around White Oak Drive & 104th Street to service homeowners. 5) P2001430 - City of Carmel at 459' East of manhole 201 located around White Oak Drive and 104th Street intersection to service homeowners.

#### **Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-99-0022 - Continental Casualty Company Continuation Certificate Bond No. 1900766580 issued for Tramco, Inc. for a temporary drive permit in the amount of \$5,000 to now expire February 24, 2002. 2) HCHD #B-01-0075 - Developers Surety and Indemnity Company Permit Bond No. 886515C issued for Estridge Development Company in the sum of \$5,000 for work at 3848 W. 141st Street approximately 1900' west of Shelborne Road North side to expire June 1, 2002. 3) HCHD #B-01-0076 - American States Insurance Company Annual Permit Bond No. 6081669 issued for York Brothers, Inc. in the sum of \$25,000 to expire June 19, 2002. 4) HCHD #B-01-0077 - American Motorists Insurance Company Performance Bond #3SM004677 issued for Dura Development Corporation in the sum of \$2,550 for street signs in Guilford Park, Phase One to expire June 21, 2003. 5) HCHD #B-01-0078 - American Motorists Insurance Company Performance Bond #3SM004676 issued for Dura Development Corporation in the sum of \$154,937.80 for curbing, asphalt base and binder in Guilford Park, Phase One, to expire June 21, 2003. 6) HCHD #B-01-0079 - American Motorist Insurance Company Performance Bond #3SM004675 issued for Dura Development Corporation in the sum of \$18,787.50 for asphalt surface in Guilford Park, Phase One to expire June 21, 2003. 7) HCHD #B-01-0080 - American Motorists Insurance Company Performance Bond #3SM004674 issued for Dura Development Corporation in the sum of \$2,250 for street signs in Guilford Park, Phase Two to expire June 21, 2003. 8) HCHD #B-01-0081 - American Motorists Insurance Company Performance Bond #3SM004673 issued for Dura Development Corporation in the sum of \$104,233.20 for curbing, asphalt base and binder in Guilford Park, Phase Two to expire June 21, 2003. 9) HCHD #B-01-0082 - American Motorists Insurance Company Performance Bond #3SM004672 issued for Dura Development Corporation in the sum of \$16,312.50 for asphalt surface in Guilford Park, Phase Two to expire June 21, 2003. 10) HCHD #B-01-0083 - Fidelity and Deposit Company Performance Bond #08078347 issued for Central Engineering & Construction Associates, Inc. in the sum of \$128,404.00 for street stone and asphalt, street signs and curbs at Vintage Woods with Riders to expire June 21, 2003. 11) HCHD #B-01-0084 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 886479S issued for Estridge Development Company in the sum of \$13,485 for Centennial, Section 5, curbs to expire May 30, 2003. 12) HCHD #B-01-0085 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 886478S issued for Estridge Development Company in the sum of \$37,960 for Centennial, Section 5 streets to expire May 30, 2003. 13) HCHD #L-00-0010 - Fifth Third Bank Letter of Credit SB12271 issued for Community Development II, Inc. Has been reduced from \$130,341 to \$39,590 to expire August 7, 2001. 14) HCHD #L-01-0004 - First Merchants Bank Letter of Credit FMB-1347 issued for Mac's Landing LLC dba Brooks Manor Subdivision in the sum of \$30,000 for Grade A excavating to expire July 3, 2002. 15) HCHD #L01-0005 - First Merchants Bank Letter of Credit FMB-1348 issued for Mac's Landing LLC dba Brooks Manor Subdivision in the sum of \$81,393 for stone, paving curb and gutter to expire July 3,

2002. 16) HCHD #B-01-0023 - American Motorists Insurance Company Rider to Performance Bond #3SM004405 issued for Drees Preferred Collection, Inc. With name of principal changed to Drees Premier Homes, Inc. effective May 18, 2001. 17) HCHD #B-01-0024 - American Motorists Insurance Company Rider to Performance Bond #3SM004382 issued for Drees Preferred Collection, Inc. with name of principal changed to Drees Premier Homes, Inc. effective May 18, 2001. 18) HCHD #B-01-0025 - American Motorists Insurance Company Rider to Performance Bond #3SM004381 issued for Drees Preferred Collection, Inc. with names of principal changed to Drees Premier Homes, Inc. effective May 18, 2001. 19) HCHD #B-01-00026 - American Motorists Insurance Company Rider to Performance Bond #3SM004380 issued for Drees Preferred Collection, Inc. with name of principal changed to Drees Premier Homes, Inc. effective May 18, 2001. 20) HCHD #B-01-0089 - Fidelity and Deposit Company Maintenance Bond #08505127 issued for Brenwick Land Company in the sum of \$12,759.99 for Spring Mill Villages - The Crossings, Sec. 5A - asphalt paving, curbs, street signs to expire 9/28/01. (Replaces bond by Amwest Surety). 21) HCHD #B-01-0090 - Fidelity and Deposit Company Maintenance Bond #08505128 issued for Brenwick Land Company in the sum of \$9,935 for Spring Mill Villages - The Meadows, Sec. 4A - curbs and asphalt to expire 4/5/01. (Replaces bond by Amwest Surety). 22) HCHD #B01-0091 - Fidelity and Deposit Company Maintenance Bond #08505129 issued for Brenwick Land Company in the sum of \$14,558 for Spring Mill Villages - The Crossing, Sec. 5B - asphalt paving and curbs to expire 5/1/01. (Replaces bond by Amwest Surety). Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bid Openings: (Tape 1, #425)**

**Bridge #66, 281st Street over Weasel Creek:**

Mr. Michael Howard opened the bids for Bridge #66, 281st Street over Weasel Creek. Form 96, Bid Bond, Acknowledgment of One (1) Addendum were included unless otherwise specified. 1) George R. Harvey & Sons - \$268,794.60. 2) Rieth-Riley - \$295,703.90. 3) Hoosier Pride Excavating - \$292,805.73. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**96th Street Median Installation:**

Mr. Howard opened the bids for the 96th Street Median Installation. Form 96, Bid Bond are included unless otherwise specified. 1) Hunt Paving - \$66,469.50. 2) Rieth-Riley - \$66,600.00. 3) CC&T Construction - \$95,595.95. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Contract 01-4, Resurface of Various Roads in Washington Township:**

Mr. Howard opened the bids for Contract 01-4, Resurface of Various Roads in Washington Township. Form 96, Bid Bond are included unless otherwise specified. 1) Shelly & Sands - \$484,560.50. 2) Calumet Asphalt - \$498,980.00. 3) Milestone Contractors - \$467,764.00. 4) Grady Brothers - \$505,000.00. 5) Rieth-Riley - \$497,450.00. 6) E&B Paving - \$478,883.16. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in today's meeting. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Plat Approvals: (Tape 1, #816)**

**Centennial, Section 5:**

Mr. John Talbot, Estridge Development Company, requested approval of the plat for Centennial, Section 5. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Woodhaven, Lot 28:**

Mr. Dave Barnes, Wiehe Engineers, requested approval of the plat for Woodhaven, Lot 28. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Vintage Woods:**

Mr. Gordon Byers requested approval of the plat for Vintage Woods Subdivision. Mr. Byers requested an additional road cut on Lot 1. This subdivision is located directly across from Bear Slide Golf Course. We have a non-access easement, which is what the Highway Department wants. We are asking for an additional cut in Lot 1 at 450' back. This will give us the ability to build a house behind the ravine. This property has jurisdictional wetlands. Mr. Byers showed the proposed layout of the project to the Commissioners. Mr. Locke stated the Highway Department's concern is having an additional entrance on a collector street. Holt motioned to grant the request for road cut. Clark seconded. Motion carried unanimously. Mr. Locke stated the plat needs to be amended to show the removal of the non-access easement and put in that it is for singular residential only. Holt motioned to approve the plat with the amendment. Clark seconded. Mr. Locke asked if the Highway Department could hold the title sheet until plat is correct. Motion carried unanimously.

#### **Plat Approval Procedure: (Tape 1, #1334)**

Mr. Jose Kreutz, Brenwick Development Company, stated he is following up on Brenwick's appearance at the June 25th Commissioner's meeting. At that time we sought approval for a secondary plat and the issue of making changes on the plats came to light. Mr. Kreutz requested to revisit the new policy. Mr. Kreutz stated the changes made to plats after review were not changes made as we see fit. In Hamilton County there are 12 signatures to receive a plat approval. Any one of those 12 agencies or individual has the power to make a change on the plat as they see fit. The changes made on the plat that lead to this discussion was done at the City of Carmel's insistence in order to receive their signature on the plat. None of the right-of-way, easements, etc. was effected by this change. Mr. Kreutz requested that the plat be held by the Highway Department prior to the Commissioner's meeting. This is what every other municipality in Hamilton County requires, the original document is submitted, in this case, to the Highway Department, a number of days before the Commissioner's meeting and that plat will not leave their hands until the Commissioners have signed it. If any changes are made, the Highway Department will have a chance to review it before the meeting. Mr. Kreutz suggested the Wednesday prior to the Commissioner's meeting be the deadline. He would rather not wait until after the Commissioner's meeting to find out if he can record the plat or come back in 2-3 weeks to get the plat recorded. Mr. Locke stated he does think the Highway Department would have a problem with that. Mr. Ward, Surveyor, agreed. Clark motioned to ask the plats be at the Highway Department by Wednesday if they are going to be on our agenda on Monday. Holt asked if other jurisdictions are doing that? Mr. Kreutz stated every other jurisdiction, Noblesville, Fishers, Carmel have a deadline to get the Mylar to the engineer's office. Developers are not usually required to attend the meetings. The developer picks up the Mylars the next day and they are recorded. Mr. Locke asked if they are having them recorded or do you record them? Mr. Kreutz stated the developers are required to record them. Holt asked if the developers should be notified by 9:00 am on Monday if their plat was going to receive an unfavorable recommendation so you will know you need to attend the meeting? Mr. Kreutz stated yes. Mr. Locke stated otherwise it would be signed, left with the Auditor and they can pick them up and then they could be recorded. Mr. Kreutz stated the developers would have the burden to check to see if the plat is on the agenda, that is the way everyone else is doing it. Mr. Kreutz stated he would prefer a notification by the end of the day Friday. Mr. Locke stated we can set up an E-mail to be sent by the end of the day Friday and if they did not get an E-mail they can call and ask why have they not gotten it. Mr. Locke stated if we have the plat by Wednesday, having it done by Friday would not be a problem. Mr. Ward asked if everything is ok, would they E-mail that everything is ok? Mr. Locke stated yes. All people who sign off on it would get a copy of yes it is the same as what the Highway received. Clark stated the motion was to have the developer have the Mylar to the Highway Department by noon on Wednesday, prior to the Monday Commissioners meeting. If there have been changes since the project has been started the Highway Department and, if necessary the developer and surveyor, will be contacted by Friday afternoon. Holt seconded the motion. Mr. Kreutz stated there is a check for the Auditor that is due at the meeting. Holt stated the check can be delivered when the Mylar is picked up from the Auditor. Mr. Kreutz asked for a 30 day grace period. Clark amended

her motion to include the 30 day grace period. Holt seconded the amendment. Motion carried unanimously.

**Highway Business Continued: (Tape 1, #1888)**

**Release of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested approval of Release of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-97-0024 - Amwest Surety Bond No. 022005434 for Dennis E. Copenhaver Builder, Inc. for streets, curbs and signs in Bentley Oaks. 2) HCHD #B-97-0149 - Amwest Surety Bond No. 1341851 issued for Generation Homes, LLC for a road cut and B-98-0015 Annual Permit Bond No. 02205954 issued for work in the right-of-way. 3) HCHD #B-97-0152 - Amwest Surety Bond No. 1341940 Performance/Payment Bonds issued for Trisler Construction Company for Bridge #15 on Boxley Road over Simons Ditch. 4) HCHD #B-97-0167 - Ohio Farmers Insurance Company Bond No. 5774063 issued for Shelly & Sands, Inc. for asphalt paving of streets in Weston Park, Section II. 5) HCHD #B97-0169 - Fidelity and Guaranty Insurance Company Bond #31 0120 50502 97 9 issued to Karns, Inc. for curbs in Weston Park, Section II. 6) HCHD #B-98-0087 - Frontier Insurance Company Bond No. 123272 issued for K.E. Properties for curbs and streets in The Park at Weston Place 3. 7) HCHD #B-98-0088 - Frontier Insurance Company Bond No. 123271 issued for K.E. Properties for curbs and streets in Weston Ridge, Section 3. 8) HCHD #B-98-0089 - Frontier Insurance Company Bond No. 123270 issued for K.E. Properties for curbs and streets in Weston Ridge, Section 2. 9) HCHD #B-98-0090 - Frontier Insurance Company Bond No. 123269 issued for K.E. Properties for curbs and streets in Weston Ridge, Section 1. 10) HCHD #B-00-0133 and HCHD #B-00-0134 - Fidelity and Deposit Company Performance/Payment Bonds issued for Brenwick Development Company, Inc. for streets in Village of West Clay, Section 10001. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Agreements:**

**Bridge #176, 136th Street over Mud Creek:**

Mr. Locke requested approval of Engineering Agreement, HCHD #E-01-0016 for Bridge #176, 136th Street over Mud Creek with USI Consultants. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bridge #73, 256th Street over Long Branch Creek:**

Mr. Locke requested approval of Engineering Agreement, HCHD #E-01-0015 for Bridge #73, 256th Street over Long Branch Creek with DLZ Indiana LLC. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bridge #88, Lacy Road over Long Branch Creek:**

Mr. Locke requested approval of Engineering Agreement, HCHD #E-01-0014 for Bridge #88, Lacy Road over Long Branch Creek. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Subdivision Inspection Agreement:**

**Vintage Woods Subdivision:**

Mr. Locke requested approval of Subdivision Inspection Agreement for Vintage Woods Subdivision. The agreement is in the amount of \$5,500 between Hamilton County and Vintage Development LLC and Hamilton County and United Consulting Engineers. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence:**

Mr. Locke requested approval of correspondence concerning investigations of requests for

signage on Hamilton County roads. Holt motioned to approve. Clark seconded. Clark stated the information regarding 141st Street and Towne states we should have at least 5 accidents within a 12 month period to qualify for a Four-Way Stop? Mr. Locke stated that is one of the criteria. Clark asked what is a relative high volume? Mr. Chris Burt stated normally it is 500 vehicles approaching from each direction or the total from all four directions of 500 vehicles per hour in any eight hours on a given day. Motion carried unanimously.

#### **Engineering Staff Projects:**

Mr. Locke presented the Commissioners with a list of all the projects the Highway's Engineering staff is working on and who is assigned to those projects.

#### **Right-of-Way Acquisition Pamphlet:**

Mr. Locke presented the draft of a Right-of-Way Pamphlet to the Commissioners for review. Mr. Locke asked that any suggestions be given to him by the end of the week.

#### **Permission to Advertise:**

#### **Contract Resurface Project 01-5:**

Mr. Locke requested permission to advertise for Contract Resurface Project 01-5, Various Roads in Washington Township. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### **Bid Awards: (Tape 1, #2356)**

#### **96th Street Median Project:**

Mr. Locke recommended the bid for the 96th Street Median Project be awarded to Rieth-Riley Construction Company, Inc. in the amount of \$66,600.00. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### **Contract 01-4, Resurface of Various Roads in Washington Township:**

Mr. Locke recommended the bid for Resurface Contract 01-4 for Various Roads in Washington Township be awarded to Milestone Contractors, LP in the amount of \$467,764.00. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### **Bridge #66, 281st Street over Weasel Creek:**

Mr. Locke recommended the bid for Bridge #66, 281st Street over Weasel Creek be awarded to George R. Harvey, Inc. After reviewing the bid, the bid was read at \$268,794.50, when checking the extension prices the bid's actual amount is \$264,809.85. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### **White River Cleanup Project:**

Mr. Tom Stevens stated Mr. Hendericks has requested that the Highway Department should be involved in the White River Cleanup Project. This is a one-day cleanup of trash along the banks of White River. This is usually on a volunteer basis. Mr. Hendericks would like the Highway Department to furnish a dump truck, driver and front end loader and operator for that day. Holt motioned to approve the request. Clark seconded. Motion carried unanimously.

#### **Mike Hammerle Trees:**

Mr. Mike Hammerle requested permission to plant additional trees in the right-of-way in front of

their house. Dillinger asked if this has been presented to the Highway Department? Mr. Hammerle stated no, he was under the impression that he was going to need Commissioner approval for this. Mr. Hammerle stated they would like to add 8-10 trees that are not pines, two would be Tulip trees, two Bradford Pear's, and the other four trees they are trying to find out the name of them. We would like to try to plant some vining plants along the wall. From the trees back to the wall they would like to remove the grass and put in other ground covers that does not require mowing. Mowing that is killing him. At the corner of the wall, next to the driveway has settled quite a bit and he would like to put in a few retaining wall blocks to build it up and flatten it out. Mr. Hammerle would install all the plants and blocks. Mr. Howard asked if at maturity will they overlap the sidewalk? Mr. Hammerle stated yes. Dillinger asked if he understands putting these trees in is putting them in at your own risk? Mr. Hammerle stated he understands that. Mr. Stevens stated on a November 15th letter addressed to Mr. and Mrs. Hammerle it states that "if at a later date you wish to add trees to our right-of-way we would require you to present the layout to us for review and approval prior to the planting". Mr. Stevens stated he does not have a response at this time because it is the first time he has seen the plan. We have concerns of the close proximity to the sidewalk and how it will effect the other plantings that we have there. We were concerned about trees being planted over a pipe that is in that area. He would like the opportunity to review it and make a recommendation, but he is not prepared to do that at this time. Mr. Howard stated since this is in right-of-way there is buried cable, they recommend that you get utility locates. Is it your intent to do that? Mr. Hammerle stated that has been done for the first batch of trees. Mr. Hammerle stated they could ask them to come back and mark it. Mr. Howard stated he strongly recommends that. Mr. Hammerle stated this particular cable is 20' down. Dillinger motioned approval pending Highway Department review and approval and assuming they approve it he would not have to come back. If they do not approve it, you would have to come back. Holt seconded. Clark asked Mr. Hammerle if the grass on our right-of-way is killing you to mow? Mr. Hammerle stated yes, everything is sloping at least one direction and in some parts it slopes in a couple of directions. Clark asked if it has settled? Mr. Hammerle stated the sink hole that was there, appears to have been corrected. Clark asked if you are mowing County right-of-way? Mr. Hammerle stated yes. Dillinger stated we all mow County right-of-way. Clark stated what is happening with the retaining wall? Mr. Hammerle stated there has been settling along the corner of the Gabion Wall next to the driveway. The settling has stopped. Clark asked if the County should look at the retaining wall to make sure there is no damage? Motion carried unanimously. Mr. Locke asked Mr. Hammerle to get the names of the trees to Tim Knapp.

#### **Weed Control in Construction Sites:**

Clark stated a couple of weeks ago the Highway Department was contacted regarding the intersection of 146th Street and Carey Road weeds in right-of-way in the construction zone. It is at a driveway entrance. Mr. Jim Neal stated the weeds were knocked down. They stripped down the area about 8' wide along the road so there is no longer a site distance problem. At the same time they took care of several other locations within Contract #1, Springmill to US 31 and Contract #2, Hazel Dell to US 31. Clark asked if it is the contractor's responsibility to see to take care of this situation? Mr. Neal stated if the weeds are causing a site distance problem it is the contractor's responsibility as part of their duty to the public to maintain a safe area. Clark asked if they cut them? Mr. Neal stated they ran over them with a bulldozer and pushed them away. Clark asked when did they do that? Clark stated she received a call at 10:00 am that some of the weeds had been pushed down, but only a couple of feet. Mr. Neal stated it was at least 8' wide. Clark stated they are not cutting them, they are crushing them? Mr. Neal stated yes. The blade has the same effect as a lawn mower blade. They are not trying to make them look pretty, they are just trying to get them knocked down. Clark stated she would have liked the right-of-way to have been cleared of weeds that are shoulder high.

#### **White River Floodway:**

Clark stated there is a project at 96th Street regarding building in the White River Floodway. Clark presented a letter from Arthur C. Paraola, Jr., Ph.D regarding the development and what that will do to homes along the river.

Dillinger called a break at 3:05 pm. Dillinger called the meeting back to order at 3:20 pm.

### **Ameritech Contract for Township Assessors & Trustees:**

Ms. BJ Casali stated we are trying to connect the Township Assessors and Trustees to this building so they have access to the tax system, payroll and financial system and a central server for reassessment. We investigated several options. Ms. Casali requested approval of a contract with Ameritech. Mr. Howard stated he has reviewed the lease agreement and it appeared to be substantially similar to the agreements we have had in the past. Dillinger asked if the Assessors and Trustees will pay for this out of their budget? Ms. Casali stated it will be out of the County's phone budget. Holt motioned to approve the recommendation of Ms. Casali. Clark seconded. Motion carried unanimously. Ms. Casali presented a lease agreement for signature and also the connections for each of the townships. Ms. Casali requested permission that when all the equipment is in place she be authorized to sign the acceptance certificate. Holt motioned to approve. Clark seconded. Motion carried unanimously. Holt motioned to have Ms. Casali execute the link line agreements. Clark seconded. Motion carried unanimously.

**Attorney:** (Tape 2, #144)

### **Ordinance 5-29-01-B, Amending the Employee Handbook:**

Mr. Howard stated there was a meeting held with County Council members to discuss changes to Ordinance 5-29-01-B regarding the hiring process and the E-mail and computer use. The changes resulting from that discussion are incorporated into this ordinance. Holt motioned to approve Ordinance 5-29-01-B. Clark seconded. Motion carried unanimously.

### **Ordinance 5-29-01-C, Exempt Employees:**

Mr. Howard stated Ordinance 5-29-01-C, Regarding Exempt Employees, stated at your last meeting there was a motion to amend the ordinance by deleting three engineering positions with the Highway Department, which was seconded and then the issue was tabled. Ms. Mills, Mr. Locke, Mr. Kent Irwin and himself met regarding these engineering positions. Mr. Howard stated the issues are: 1. Are these people legally entitled to be exempt? 2. Can their classification be changed? 3. Should they be exempt? Mr. Howard's memo stated we may or may not make them exempt. We don't have to. It was the consensus that these were exempt positions and they could be changed during employment. We also discussed if they should be changed. Are there job retention issues that are unique to these positions? Holt motioned to take the issue off the table. Clark seconded. Motion carried unanimously. Mr. Howard stated the motion on the floor is to amend the ordinance by deleting those three positions. Holt stated he has contemplated the issue and the logical solution is to support the motion to make those three positions non-exempt. Clark asked what changed your mind? Holt stated the fairness issue to the employees, the fairness issue to us as the employers. If you look at the three options available the logical one is to go with is to make them non-exempt. He wants these three employees to feel comfortable telling their wives that they have to stay at the office because they have work that they have to get out. He wants them feeling comfortable telling those who are dependent on them that it is the right thing for them to do to remain with Hamilton County verses another sector because they continue to be treated fairly by their employer. As the employer I want that work to get out in a quality fashion, which he has no question takes the additional time that is being expended. Dillinger stated in addition to that when you look at the competitiveness in the market place for these types of positions and how difficult it is to get engineers and the money we have spent trying to get qualified engineers it behooves us to do this. Clark stated what you said could easily apply to anybody in our ISS Department and other professionals in the County as far as keeping good employees. Clark stated you are totally ignoring Waggoner, Irwin and Scheele to whom we have paid substantial amounts of money. Their recommendation is that these employees are exempt and need to remain exempt. The three options Holt stated we have were presented by the Highway Engineer has nothing to do with the recommendation of our consultant. Holt stated the other option is to accept the original consultant recommendation, which creates an injustice. Clark stated what you are doing today, if you exempt these three employees, creates an injustice to the entire process and to every other exempt employee who wanted not to be exempt. We spent a couple of hours working on



this and she thought we were in agreement. We have been presented something by the Highway Engineer that if the County Council gave a big increase in pay to the people who were going to become exempt with the understanding that would cut down on part time and comp time. We are undermining everything we spent two years doing. She is very disappointed and we will have repercussions that will go far beyond this meeting. Holt called for the question. Dillinger and Holt approved. Clark opposed. Motion carried. Holt motioned to approve Ordinance 5-29-01-C as amended. Dillinger seconded. Dillinger and Holt approved. Clark opposed. Motion carried. Clark asked Ms. Randall to get her the amount of money we have paid Waggoner, Irwin & Scheele.

#### **Waiver of Option to Purchase Real Estate:**

Mr. Howard requested approval of a Waiver of Option to Purchase Real Estate for Riverview Hospital to purchase Dr. Beaver's office. When this building was originally sold from the County to Dr. Beaver, Hamilton County reserved a first right of refusal to repurchase that. For Riverview to buy that the title company is requiring us to waive that. Mr. Howard stated the document waives that solely to allow Riverview to purchase it but would not allow it to be sold to anybody else. (Tape 2, #1360) Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Administrative Assistant:**

#### **Riverview Hospital Board of Trustees Appointments:**

Mr. Fred Swift stated the Riverview Hospital Board of Trustees has two vacancies on their Board. Clark stated we did not receive any information, all they sent us was names. Clark stated there are several things she needs and she has been waiting for a return call from Seward Horner. She has asked for the make-up of the current board, geography, sex, knowledge of occupations. We need a balanced board. Dillinger stated the Democratic side has been extremely hard to come up with. Clark stated she does not think we can act on this today because we are lacking sufficient information. Dillinger stated the Board does not have people to go to their committee meetings, they are trying to work on a building project. Dillinger motioned to appoint Bernard Pylitt as the Democratic appointment. He is willing to serve. No second. Motion dies. Dillinger motioned to appoint Greg Wiles as the Republican appointment. Holt seconded. Clark asked where does Greg Wiles live? Dillinger stated in Noblesville. Clark asked where do the other Board members live? Dillinger stated we don't have anyone from Noblesville right now. Dillinger stated Ike Batalis lives in Carmel, Dan Shields lives in Arcadia, JR Cowan lives in rural Jackson Township, Dr. Frederick lives in Westfield and Dr. Waitt lives in Sheridan. Clark stated we have no women on that Board. Dillinger stated we did have a woman on the Board and you voted not to reappoint her. Clark stated she did with good reason. Clark stated a good Board member will be in good communication with the three Commissioners and that was her concern. Dillinger and Holt approved. Clark opposed. Motion carried. Mr. Howard stated the Commissioners have 60 days from the initial list being submitted to make the appointment. Holt stated the initial list was rejected. Holt asked if we could come back to this? Dillinger stated yes. (Tape 2, #1287) Mr. Howard stated according to statute is if it is at the end of someone's term and you don't make the new appointment within 60 days then they are automatically reappointed for another term. As to vacancies there is no remedy that you lose your right to appoint. Mr. Howard spoke to Mr. Culp and he concurs. Clark motioned to appoint Annetta DeMoss. Dillinger stated she has been declined. Clark stated we never put her name on the table. Dillinger stated we did and you voted against her. Rules of order does not allow you to bring it back up.

#### **Noblesville Street Dance:**

Mr. Swift stated the Noblesville Street Dance will be held on July 28, 2001. Mr. Swift asked if the Commissioners would like security for the courthouse? Mr. Swift stated we assigned four deputies last year. Holt motioned to have security, four deputies. Clark seconded. Dillinger stated he has a concern that we have put a huge amount of money and a tremendous amount of work has gone in to the flowers around the courthouse and if we are going to do this he would like us to put up some kind of protection barrier to keep people off of it. Deputy Farley stated we will do the best to keep them out of there. Dillinger stated that is why we should use some kind of taping or signage. Deputy Farley stated if you instruct the Maintenance Department to set it up, they will enforce it. Holt stated he does not mind

signage, but the tape is tacky. Clark stated she does not want yellow police tape over everything. Motion carried unanimously.

**Juvenile Accountability Incentive Block Grant:**

Mr. Swift presented a revised grant letter for the Juvenile Accountability Incentive Block Grant. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Hoosier Heritage Port Authority Wage Determination Board Appointment:**

Mr. Swift stated the Hoosier Heritage Port Authority needs an appointment for a Wage Determination Board. Holt motioned to appoint Todd Tarbutton to the Hoosier Heritage Port Authority Wage Determination Board. Clark seconded. Motion carried unanimously.

**Johnson County Juvenile Housing Agreement:**

Mr. Swift stated Hamilton County has an agreement with Johnson County to house Juveniles. The rate has been \$100.00 per day per juvenile. Johnson County has asked for a new contract, the wording is the same except they have increased the rate to \$140.00 per day. Judge Proffitt and Judge Hughes have signed the agreement. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**IACC Membership:**

Dillinger asked Ms. Mills if action needs to be taken on the IACC Membership? Ms. Mills stated it is in the budget, she will check the amount.

**Auditor:** (Tape 2, #1508)

**Ordinance 7-09-01-A, Amending the Plat Book Fund Ordinance:**

Ms. Mills requested the Commissioners allow the Auditor to raise the fee of \$1.00 to \$3.00 for transfers. By statute it can be raised to \$5.00. Holt asked what is her cost? Ms. Mills stated it is more than \$5.00. She would have to figure out the cost. Ms. Mills stated Mr. Ogle has brought this request before and it had been denied. This money is used for the maintenance of plat books. Clark motioned to approve the \$3.00. No second. Motion dies.

**Liability Trust Claims:**

Ms. Mills requested approval of Liability Trust Claims. 1) Millers Auto Body - \$752.40. 2) The Hartford - \$356.12 Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bovine Brucellosis and Tuberculosis Contract:**

Mr. Mills requested approval of the Bovine Brucellosis and Tuberculosis Contract with the Indiana State Board of Animal Health. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB - L01-004 - First Merchants Bank Irrevocable Standby-by Letter of Credit No. FMG-1342 for Brooks Manor Subdivision for storm sewers in the amount of \$60,000.00. 2) HCDB - L01-005 - First Merchants Bank Irrevocable Stand-by Letter of Credit No. FMB-1343 for Brooks Manor Subdivision for erosion control and seeding in the amount of \$2,500.00. 3) HCDB - L01-006 - First Merchants Bank Irrevocable Stand-by Letter of Credit No. FMB-1344 for Brooks Manor Subdivision for monuments and markers in the amount of \$2,500.00. 4) HCDB - B01017 - Gulf Insurance Company Subdivision Bond No. BE1835168 for reconstruction of the Oliver Shoemaker Drain through Woodberry, Section 7 in the amount of \$2,056.00. 5) HCDB - B01-018 - Fidelity and Deposit Company of Maryland Performance Bond No. 08505122 for

The Village of West Clay Sec. 5006 for storm sewers in the amount of \$70,483.00. 6) HCDB- B01-019 - Fidelity and Deposit Company of Maryland Performance Bond No. 08078348 for Vintage Woods storm sewers, subsurface drains, monumentation and erosion control in the amount of \$134,000.00. 7) HCDB - B01-019A - Fidelity and Deposit Company of Maryland Performance Bond No. 08078348 for Vintage Woods for storm sewer and subsurface drains, monumentation and erosion control in the amount of \$134,000.00 (Rider changing obligee from Hamilton County Surveyor to Hamilton County Board of Commissioners). 8) HCDB - B01-019AA - Fidelity and Deposit Company of Maryland Performance Bond No. 08078348 for Vintage Woods storm sewers, subsurface drains, monumentation and erosion control in the amount of \$134,000.00. (Rider adding Developers name to surety). 9) HCDB - B01-009A - American Motorists Insurance Company Performance Bond No. 3SM004557 for Kingsborough Section 4 storm sewers in the amount of \$77,304.00. (Rider changing name of Principal on Surety to Drees Premier Homes, Inc.). 10) HCDB - B01-010A - American Motorists Insurance Company Performance Bond No. 3SM004558 for Kingsborough, Sec. 4 sub-surface drains in the amount of \$16,550.00 (Rider changing name of Principal on Surety to Drees Premier Homes, Inc.). 11) HCDB - B01-011A - American Motorists Insurance Company Performance Bond No. 3SM004559 for Kingsborough Sec. 4 for erosion control in the amount of \$7,500.00 (Rider changing Name of Principal on Surety to Drees Premier Homes, Inc.). 12) HCDB - B01-012A - American Motorists Insurance Company Performance Bond No. 3SM004560 for Kingsborough Sec. 4 for monuments and markers in the amount of \$2,500.00. (Rider changing name of Principal on Surety to Drees Premier Homes, Inc.). Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Treasurer's Monthly Report:**

Ms. Mills requested acceptance of the County Treasurer's Monthly Report dated January 31, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Clay Township Trustee Quarterly Poor Relief Report:**

Ms. Mills requested acceptance of the Clay Township Trustee Quarterly Report dated March 31, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Jackson Township Trustee Quarterly Poor Relief Report:**

Ms. Mills requested acceptance of the Jackson Township Trustee Quarterly Poor Relief Report dated June 30, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Vendor Claims:**

Ms. Mills requested approval of the Vendor Claims to be paid July 10, 2001. Holt motioned to approve. Clark seconded.

Motion carried unanimously.

#### **Payroll Claim Signing:**

Payroll Claims will be signed Monday, July 16, 2001 at 8:00 am in the Auditor's office.

#### **Fall Creek Township Trustee Offices:**

Dillinger stated he received a call from Marion Hensley stating they were considering building a Fall Creek Township Community Building, but the only way they can do that is if the Fall Creek Township Assessor moves back in with them. Dillinger stated we just paid to move her to Exit 10. She has a three year contract for that office. Mr. Hensley asked if we would be interested in having her office move back in with them, if they build this building? Dillinger stated if we were to do that it would require a long term lease because we can't keep moving her office. Holt asked what is his timeline? Dillinger stated they are not willing to start the process unless we indicate to them that we are willing to move her back. Holt asked if they would be done with the building sooner than three years? Dillinger stated he does not know that. Holt asked if we could respond that when her lease expires we would be glad to do that. It will probably

take three years to get the building. Holt and Clark agreed it makes sense to have the Township services in one building. Dillinger will talk to Ms. Zagar and Mr. Hensley.

Clark motioned to adjourn the meeting. Holt seconded. Motion carried unanimously.

**Correspondence:**

Taylor Property Aviation Use Letter

Salt Storage Facility Correspondence:

Envoy Letter - June 26, 2001

American Timber Bridge Fax - June 27, 2001

Bridge No. 17 Notice of Transmittal from Beam Longest & Neff

Amwest Surety Insurance Company Notice of Order of Liquidation

IDEM Notice of Permit Application:

Mobil Oil Corporation - Carmel

Carmel Water Department - Carmel

IDEM Notice of Sewer Permit Application:

Crest View, Section 4 - Westfield

The Woods at Gray Eagle, Section 4 - Fishers

IDEM Notice of Appeal Rights:

Centennial Townhomes, Phase II - Westfield

The Townhomes at City Center - Carmel

IDEM Public Notice:

Greyhound Pass and 146th Street - Carmel

**Present:**

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Sharon R. Clark, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Executive Secretary to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Wayne A. Farley, Sheriff's Deputy

Tom K. Stevens, Highway Director

Les Locke, Highway Engineer

Amy Rayle, Highway Public Service Representative

Virgina Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

James Farrell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Mark Fisher, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Morasch, Transportation Development Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Dustin Teachnor, Highway Assets Manager

Faraz Hahn, Highway Department

Floyd Burroughs, Floyd Burroughs & Associates

Jerry Larrison, Beam, Longest & Neff

David Barnes, Weihe Engineers

Becki Wise, USI

Dick Harvey, George R. Harvey & Sons, Inc.

Dave Salmos, Rieth-Riley Construction Company, Inc.

APPROVED

Chuck Bracken, Shelly & Sands  
COMMISSIONERS:

HAMILTON COUNTY BOARD OF

Larry Canterbury, E&B Paving

Paul Vondersar, Vintage Development, Inc.

---

John Talbot, Estridge Development Co.

Kevin Greene, Estridge Development Co.

---

Kimberly Lutgring, Milestone Contractors

Kate Lewis, Daily Ledger

---

Stu Hirsch, Indianapolis Star

Gordon Byers

Jose Kreutz, Brenwick Development

Jim Belden, County Councilor

---

Mr. & Mrs. Mike Hammerle

BJ Casali, ISSD

ATTEST:

Robin M. Mills, Auditor